

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAGINAW COUNTY,

Plaintiff,

vs.

**STAT EMERGENCY MEDICAL
SERVICE, INC.,**

Defendant.

4:17-CV-10275-TGB

**ORDER DENYING MOTION
FOR SANCTIONS**

On May 2, 2018, this Court held a hearing on Defendant's Renewed Motion to Dismiss. *See* May 2, 2018 Minute Entry; *and* Transcript of Motion to Dismiss Hearing, ECF No. 21. On July 31, 2018, this Court issued an Opinion and Order Granting Defendant's Renewed Motion to Dismiss. ECF No. 22. On August 13, 2018, Plaintiff filed a Motion for Reconsideration. ECF No. 23. This Court issued an Opinion and Order Denying Plaintiff's Motion for Reconsideration on March 25, 2019. ECF No. 30.

On September 20, 2018, while Plaintiff's Motion for Reconsideration was still pending, Defendant filed a "Motion for Rule 11 Sanctions." ECF No. 27. Defendants claim that Plaintiff made "misrepresentations to the Court in their motion for reconsideration[]"

that warrant sanctions by the Court pursuant to Rule 11. ECF No. 27, PageID.672; Fed. R. Civ. P. 11(c). Defendants also claim that Plaintiff's motion "was not filed in good faith and continues a pattern and practice of misleading and mendacious filings" by Plaintiff. ECF No. 27, PageID.675.

As the Court already noted in its March 25, 2019 Opinion and Order Denying Plaintiff's Motion for Reconsideration (ECF No. 30), the motion was simply a rehash of the arguments Plaintiff had already presented. Plaintiff's ongoing misunderstanding of the relevant legal principles (as the Court sees it) is not necessarily evidence of bad faith. There is no "mendacious" conduct by Plaintiff justifying sanctions.

Because Defendants fail to identify any sanctionable behavior by opposing counsel, their Motion for Sanctions is **DENIED**.

DATED this July 17, 2019.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, July 17, 2019, by electronic and/or ordinary mail.

S/A. Chubb
Case Manager and Deputy Clerk